

**ZONING Board of APPEALS**  
718 Main Street, Suite 201B  
Fitchburg, MA 01420

2022 JUN 16 PM 3:20  
FITCHBURG CITY CLERK

MEETING DATE: Tuesday May 24, 2022  
MEETING TIME: 6:00 ☐ AM ☒ PM  
MEETING PLACE: 718 Main Street 3<sup>rd</sup> floor  
Room number (if applicable) North Fitchburg Meeting Room #300  
Address: 718 Main Street, Fitchburg, MA 01420

**MEETING MINUTES**

1. **Call to Order** CT **PLEDGE OF ALLEGIANCE ALL**
2. **Communications** CT
3. **ATTENDANCE:** Christine Tree (Chair)
4. **REMOTE ATTENDANCE:** Michael McLaughlin (Vice-Chair), Brian Gallagher & Lauren McNamara
5. **ABSENT:** Joseph Byrne (Clerk), Greg Babineau & Gary Kirschke
6. **Hearings:** Started at 8:05 PM

CASE No.	APPLICANT	PROPERTY	TIME
<b>ZBA-2022-13</b>	<b>Adam Pishdadian</b>	<b>76 PRICHARD ST</b>	<b>6:00PM</b>
<i>Special Permit under §181.336 of the City of Fitchburg Code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to §181.332 located in the Residential C District Map 31 Block 80 Lot 0</i>			

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2022-13 under §181.336 to **Grant a Continuance to May 24th, 2022**

BG – Motion Seconded

Vote (3-Roll Call) 4 – 0 to **Grant a Continuance to May 24th, 2022**

CT - If anyone is participating online, please note that you will not receive further notification on this petition. This is your verbal notification of the continuance, and should you wish to check in, contact Mercedes at the building department directly, or you look at the online agenda which is posted on the City of Fitchburg website.

<b>ZBA-2022-14</b>	<b>Daniel Estevez</b>	<b>76 SUMMER ST</b>	<b>6:20PM</b>
<i>Special Permit under §181.94 of the City of Fitchburg Code to operate an adult daycare service pursuant to §181.313C1 located in the Neighborhood Business District Map 70 Block 13 Lot 0</i>			

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2022-14 under §181.94 to **Grant a Continuance to May 24th, 2022**

BG – Motion Seconded  
Vote (3-Roll Call)

4 – 0

to **Grant a Continuance to May 24th, 2022**

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**ZBA-2022-05**

**AG Dream Flip LLC**

**83-85 MARSHALL ST**

**6:40PM**

**Continuance:**

*Special Permit under §181.3366 of the City of Fitchburg Code to reinstate a vacant/Abandoned building as a 3-family dwelling located in the Residential C District Map 10 Block 64 Lot 0*

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2022-05 under §181.3366 to **Grant a Continuance to May 24th, 2022**

LM – Motion Seconded

Vote (3-Roll Call)

4 – 0

to **Grant a Continuance to May 24th, 2022**

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**ZBA-2022-06**

**Ulson Lucien**

**133 CEDAR ST**

**7:00PM**

**Continuance:**

*Special Permit under §181.3322 of the City of Fitchburg Code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to §181.416 located in the Residential B District Map 22 Block 36 Lot 0*

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2022-06 under §181.3322 to **Grant a Continuance to May 24th, 2022**

LM – Motion Seconded

Vote (3-Roll Call)

4 – 0

to **Grant a Continuance to May 24th, 2022**

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**ZBA-2022-15**                      **Rene Rosa**                      **123 PINE ST**                      **7:10PM**  
*Variance under §181.93 of the City of Fitchburg Code for the erection of a 220 SQF shed encroaching the property dimensional requirement set-back according to §181.416 and pursuant to §181.421 located in the Residential B District Map 80 Block 23 Lot 0*

CT – In this particular case the Petitioner is in process to obtain a certified plot plan and has requested a continuance to June 14, 2022.

MM - Motion on ZBA-2022-15 under §181.93 to **Grant a Continuance to June 14, 2022**

LM – Motion Seconded

Vote (3-Roll Call)                      4 – 0                      to **Grant a Continuance to June 14, 2022**

CT - If anyone is participating online, please note that you will not receive further notification on this petition. This is your verbal notification of the continuance, and should you wish to check in, contact Mercedes at the building department directly, or you look at the online agenda which is posted on the City of Fitchburg website.

**ZBA-2022-16**                      **Kevin Kieda**                      **480 FISHER RD**                      **7:30PM**  
*Special Permit under §181.94 of the City of Fitchburg Code to keep bees on a property with less than five acres of land pursuant to §181.313D1 located in the Rural Residential District Map 189 Block 15 Lot 0*

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2022-16 under §181.94 to **Grant a Continuance to May 24th, 2022**

LM – Motion Seconded

Vote (3-Roll Call)                      4 – 0                      to **Grant a Continuance to May 24th, 2022**

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**ZBA-2021-36**                      **Jose Collazo**                      **12 LUNENBURG ST**                      **7:50PM**  
**Continuance:**

*Special Permit under §181.94 of the Fitchburg Zoning Code to operate an Auto Detailing and Car Wash pursuant to §181.313D13 located in the Downtown Business District Map 56 Block 11 Lot 0*

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2021-36 under §181.94 to **Grant a Continuance to May 24th, 2022**

BG – Motion Seconded

Vote (3-Roll Call)                      4 – 0                      to **Grant a Continuance to May 24th, 2022**

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**ZBA-2022-17**

**Jeffrey Summers**

**69 HIGH ST**

**8:00PM**

*Special Permit under §181.94 & §181.77 of the Fitchburg Zoning Code to operate a sober house pursuant to §181.313A5 within a reasonable accommodation in accordance under the Fair Housing Act 42 U.S.C. 3602 located in the Residential C District Map 19 Block 22 Lot 0*

CT – The public hearing is opened. Due to the inability of Board Members to fully participate in this evening's meeting, the Board will continue this hearing to May 24, 2022, so that Board Members may participate in and hear the matter fully.

MM - Motion on ZBA-2021-17 under §181.94 & §181.77 to **Grant a Continuance to May 24th, 2022**

LM – Motion Seconded

Vote (3-Roll Call)

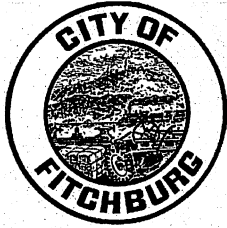
4 – 0

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**7. MISCELLANEOUS**

**8. ADJOURNMENT**



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  3. **ABSENTS:** Greg Babineau & Gary Kirschke
  4. **Hearings:** Starts at 6:05PM
- PLEDGE OF ALLEGIANCE** ALL  
**ATTENDANCE:** Christine Tree (Chair), Michael

CASE No.	APPLICANT	PROPERTY	TIME
<b>ZBA-2022-16</b>	<b>Kevin Kieda</b>	<b>480 FISHER RD</b>	<b>6:00PM</b>
<i>Special Permit under §181.94 of the City of Fitchburg Code to keep bees on the property less than five acres of land pursuant to §181.313D1 located in the Rural Residential District Map 189 Block 15 Lot 0</i>			

CT - We are a four-member board tonight; if you seek a special permit or a variance, you must get a unanimous vote in order to be successful. If you prefer to wait until a later meeting when we are a five-member board so that you could get four of the five in order to be successful, please let us know, and we will be happy to reschedule your hearing. Do you wish to move forward tonight?

KK – Yes, please

The presentation was given by Kevin Kieda, stating:

My family's been in Fitchburg up on Fisher Road; it was my grandfather's house before mine. So, we've been in the area for about 70 years. I got interested in the idea of keeping bees as a personal hobby. I was reading that you can actually benefit from your allergies if you take honey sourced locally to where you live. That bees take in pollen that likely agitates your body when you're around during the day. There are benefits where you can see a reduction in your congestion, hay fever, and stuff. So, having gotten the idea of keeping honey, then I signed up for a beekeeping class. I completed that in the spring here with the Worcester County Beekeepers Association in order to understand the day-to-day, the impact on the community, and the overall amount of work I would need to maintain the bees. And it seemed like something I could manage; I work from home as a tech salesman. I've been doing tech sales for about eight years now, and it's a low-impact hobby in the sense that you only need construct the apiary. I called it that, because that's just what a stack of bee boxes is. It's a colony of bees, called an apiary; I only need to open it up once a week to make sure that the queen is laying eggs, producing honey and pollen, and the bees are happy. It seemed that's something I could take on, and it would benefit not only me, but they would help us to keep pollinators in the area. Many people have flowers, vegetables, or gardens. I plan on building a garden in my backyard at some point, and they can help pollinate those things. So, it's not going to be a commerce thing; I'm not going to have somebody stand on the side of the road and cause congestion. I'm not going to be selling it online; it's not my intention. If anything, I'll give it away to neighbors as gifts or to family members. I followed through with the class, and it seems like something manageable with a pretty

minor impact, and I wanted to go through the right channels to do this. I'm a law-abiding citizen, and I wasn't going to set up a beehive without understanding what the regulations were within the city. I have about 3/4 of an acre of land; I have a pretty large backyard but not five acres. I'm planning to set up along the woodline; as I listed on my application, it would be no more than four. I think realistically; it would probably be no more than two. A lot of times, you can balance out whether one hive is doing well or one hive is doing poorly and focus on maintaining one, like a key one, and the other one as a second need. If that hive collapses and the queen dies in one, you at least have that second one to continue doing what you're doing. But where the apiary would be set up as I put in my application, it would be at least 100 yards away from any other dwelling. I know that most of the immediate neighbors who live next to me are all for the idea; they have no problem. Unfortunately, my neighbors directly next to me are on their way traveling. So, they couldn't be here, but I have a letter of recommendation from one of my other neighbors. The Worcester County beekeepers association notifies you of a lot of different resources. I do have a mentor that I've assigned up with. And that would be able to help me in the week-to-week management of the hives. Using agricultural resources in Massachusetts, they'll come out and do inspections twice a year to ensure that diseases or other issues that might come from maintaining the hives; are being done correctly and in the right way. I realize, and it seems like a small piece of land, there are obvious concerns from bees in general. I have peanut allergies. So, I can understand concerns being around these, if people have allergies or they're scared of them; but I put it in my application that honey bees are very different than bees that you might have a perception off. They're not aggressive; they don't go out of their way to attack people. I've set up a number of hives myself working with the beekeepers association. They will only come after you if you open up their home and try to poke around and look for the queen. There are things like smoke that you can do to make them a little more docile when you're doing that, but realistically these bees are not going to go out of their way in a five-mile radius to start attacking everything that moves. It's not how they were designed, and it's a lot of resources for them as opposed to like Hornets, Wasps, and a lot of these other things that can sting you repeatedly without fail. Honey bees, when they lose their stinger, they die, so it really is a final thing to try and protect the queen and the hive. So, it's very rare to see them going out of their way to be aggressive to people and pets in the community. I know that I need a special permit; I am not looking to set up 1000 boxes in my backyard. Having some big booming business and not paying my taxes for that revenue is not what I intend to do.

CT - Regarding the Special Permit criteria, why do you contend that the use you seek will not injure the neighborhood?

KK - I think the big thing is having a mentor and being in a beekeeping community. It's something where you can maintain the temperament of the hive with proper management to not go after people, pets, or anything like that, as I said earlier. It's not a problem unless somebody wanders into the yard, and part of my goal is even to have the bee area fenced. So, pets will run out of somebody's yard and accidentally get too close to the hive. My mentor told me that the only way the bees will start getting defensive is; if you stand right in front of them. Their little entrance, they defend. So, for the immediate neighbors' right next to me, the goal is to have it facing more towards the woods and where the sunlight comes through.

CT - How will this not be detrimental to the public welfare?

KK - Honey bees, they're pollinators. The only thing that might happen is you see a few more things flying around in the yard or around flowers. They don't make any noise, don't emit any odor or anything. You don't know they're there until you look in the backyard and see you'd see boxes set up. You realize that there are bee boxes.

CT - How will this request be in harmony with the general purpose of the zoning ordinance?

KK - I think the idea of the zoning ordinance and the fact that you want to have bees on plots larger than 5-acres is that you don't want to have them. I guess being too close to people; in a way, I think it's a pretty large range to have. At least, in my opinion, to have five acres be the minimum for that. Realistically, a handful of bees leave the hive that travels around a 2-mile radius looking for nectar, flowers, and pollen. The hives can get pretty large 10s of thousands in the peak season, but at the end of the day, a lot of them are caring for the queen and the eggs inside. There's a handful of drones flying out gathering the resources to feed the rest of the hives, so I think that even though they cover a large range, it's going to be hard to visualize any immediate change to the general public by having them set up.

CT - I will read into the record the note that was handed: This is from Bruce and Andrea at 465 Fisher Road. Unfortunately, To Whom It May Concern, we are unable to attend tonight's meeting. However, we'd like you to know that we fully support our neighbor Kevin Kieda raising bees. Kevin will be a responsible farmer. We are looking forward to seeing him succeed in his new venture.

CT - Is there any person in the audience or virtual seeking information on this petition? None

CT - Is there any person in the audience or virtual in opposition? None

CT - Is there any person in the audience or virtual in support?

Michelle Roberts, of 453 Fisher Road, I am on the other side as Bruce and Andrea. I'm very passionate about beekeeping. I haven't looked into it myself, but I think people with small qualities are important to the species' survival. I have heard all the health benefits that he mentioned and searched on my own. I do buy locally sourced honey because it does help with allergies. So, I think that is great for himself, his family, and anybody with allergies. Everything he said about the bees is true; honey bees are very different. You can see videos of them online that are easily carried around and handled with the right equipment and materials. It sounds like he's done severe intense research, and that's amazing. So, I think it would be a benefit to the community.

Richard McCauliff of 500 Fisher Rd., my property abuts Kevin to the east. I have just under 16 acres which he bumps up to my property. I've been up there 16 years; he's been my neighbor for probably three now. Grandfather is a prior great neighbor to have, and I'm sure whatever endeavor he tackles with the bees, he'll do great with. I don't see any detriment to it, once whatever in the neighborhood. I've spoken to other neighbors who can't be here, and they are fully supported.

MM - Don't have questions; I wholeheartedly believe that this is going to be a great thing. I got some education on this whole process; I had a neighbor and my neighborhood and had six hives for several years. Without bees, we don't have food, I know there are some issues with the population, and I think anything we can do now will help improve things.

JB - For my own education: When do you start a hive? You have to go out and buy a queen. I would imagine

KK - Yes.

JB - And you get drones with it?

KK - Yes

JB - What's the package?

KK - They raise all of them down the Carolinas; they drive them off. You get a little wooden box that almost looks like a shoebox with a metal screen around it. There's a thing of sugar water there for the trip; there's a queen and about 10,000 drones. It might sound like a big number, but it's probably five handfuls worth of bees. You buy it from suppliers or locally. I was trying to get them for this season after we got through this process, but things got pushed out. So, I don't have any yet, but I was looking at some of the local suppliers. There was a guy down in Oxford that basically, we drive them all up. You show up along with many other beekeepers, you got your box, and you deployed them.

JB - I have no problem with it whatsoever. I think it's a great idea. It's wonderful for all the people that grow stuff in the area.

BG - You mentioned that the hives are located approximately 100 feet from your bottom?

KK - Yes

BG - You also mentioned a fence. How tall would the fence be? And what would the material be?

KK - I imagine like cattle panel, maybe three feet and a half tall. So it would be not very easy to see, I suppose, put some metal sticks in the ground and then wire it all together.

BG - Would the height of the fence cover that top of the beehive?

KK - Once the hive gets large and large, you add more boxes up. It doesn't originate tall; maybe it gets four or five feet. The small box on the top is where they store all the honey, and they keep the babies and the queen in the lower bigger

boxes. So, it will be close, but my goal is to ensure that somebody's pet dog or cat is safe. I don't want to worry about keeping skunks and other wild animals trying to get the honey.

BG – So, the purpose is to keep away wildlife and pets away for safe use.  
KK – Exactly

BG – How many hives do you think you will start with?  
KK – Realistically one, to get my feet wet and work through with my mentor and make sure I understand the ropes well enough. My request has not more than four, but one or two will be enough.

BG – How long was a course that you had to go through?  
KK – For ten weeks, I took a class every Thursday night for two and a half hours. They have various beekeepers experts.

CT – You have a long thin lot, and you locate the box close to the front. Is there a reason you did that and did not put it a little further back?  
KK – In the sense that my lot slopes down, it will be easy to monitor so that it will be convenient for me to inspect them every morning visually.

CT – A few years back, it was a bee case in Shirley. A new construction development came through, and it happened to be the bees' restroom. In order to fix the problem, the beekeeper owner had to plant flowers to attract the bees to go to a location so that it would not be detrimental to anyone. Did you learn anything about this in your class? And is that part of your plan?  
KK – Yes, so through the class, they said obviously the least distance the bees have to travel to get pollen and nectar, the better. So, another reason why I didn't want to be put in the way back, so the goal is to have that fence to protect the pests and have kind of like a whole big mulch line around it of planting flowers and plants. We did a whole course on the various types of flowers and plants bees are most attracted to and what season. So, you set up a model where plants are blooming every month starting in April, and you allow them always to have a constant source of nectar and food right there. Along with water, you set up enough water stations in your yard. They stick to that water as opposed to traveling elsewhere for it.

CT - I think this is a favorable endeavor; I am going to close.  
MM - For clarification, what is the building commissioner referencing specifically?  
CT - It's non-exempt agriculture, so that's on the table of uses.

MM - Motion on ZBA-2022-16 under §181.94 to **Approve the Special Permit** to keep beehives as a Non-Exempt Agricultural use, §181.313D1, with the following conditions:

1. **Petitioner to comply with all required Mass Department of Agriculture inspections annually.**
2. **A copy of the graduation diploma from Worcester County Beekeepers Association School is to be submitted to the Building Department.**
3. **Petitioner shall not keep more than four beehives on the property.**
4. **No commercial beekeeping operations.**
5. **Not to be operated as a public or private nuisance.**
6. **Sunset Clause: Special Permit shall expire upon the transfer of property ownership from Kevin Kieda to any other person/entity.**

JB – Motion Seconded  
Vote                                      4 – 0                                      to **Approve the Special Permit** with conditions

**ZBA-2022-14                                      Daniel Estevez                                      76 SUMMER ST                                      6:20PM**



*Special Permit under §181.94 of the City of Fitchburg Code to operate an adult daycare service pursuant to §181.313C1 located in the Neighborhood Business District Map 70 Block 13 Lot 0*

CT - We are a four-member board tonight, which means that if you are seeking a special permit or a variance, you must get a unanimous vote to be successful; if you prefer to wait until a later meeting when we are a five-member board before you, and you could get four of the five in order to be successful, please let us know, and we will be happy to reschedule your hearing. Do you wish to proceed tonight?

DE - Yes

The presentation was given by Daniel Estevez (Petitioner), stating:

I am the current CO program director of Family Together adult health daycare; we are currently operating in Leicester, and this is our main site. We have been operating for eight years, and we have been very successful. We have provided daycare services for adults and seniors with mental health and physical disabilities. We know there are a couple of other adult health care centers around the area, but we like to bring a different approach to adult day health care. We are very structured, unique, and progressive, and the structure of our services allows for individualized care. That goes from nursing, personal care management, medications, nutrition, and activities for all individuals. The good about our program is that we not only provide services on-site, we can also take what we provide on-site services to people's homes. This is an advantage, so for anyone that is not able or doesn't feel comfortable still congregating in masses. We provide this extra service that probably other adult health care centers in the area are not providing. We want to operate at 76 Summer Street, where UMass was located before; during COVID, a lot of these services have had to close due to the financial burden. So, the need is out there, and the city of Fitchburg is definitely in need of the additional ability to provide healthcare services. Alongside the ADA services we provide, we also bring a mental health approach. We can offer free on-site mental health counseling for everyone who attends or receives our services at home.

CT - As we start here, there are a number of things that I didn't see in your application, and we would like to see them before we proceed to a decision. There was no parking, site, certified plot, or floor plan because 76 Summer Street is a large office building with many different uses. We'd like to understand a little bit better the space that you're occupying and how you intend to use it. You, of course, don't own the building, so either the owner or someone with the lease should be signing the application. So, we would like to either see a copy of the lease or have the property manager sign the application. So that it's complete one or the other. Because I don't know if your business is in the planning stages and you don't have a lease yet.

DE - We do, and to my recollection, I submitted it to the building department signed by the landlord of the building. I provided copies of the outdoor plot plan.

CT - Yes, we have one, but there's no parking marked on, and it's a large parking area.

DE - The parking itself, there won't be any parking on-site for clients because they're not driving themselves in. We will be driving all clients to and from home, so we provide the transportation. So the vehicle need is probably only three buses, doing the to and from trips. The other parking that will be used by staff, and that's right now a maximum of ten spaces. And the parking lot has a great number of parking spaces to the right and the left of the building. Right now, we're trying to utilize the handicap entrance in the front of the building for our clients. So that would be the drop-off and pick-up zone for the program.

MM - What floor is it you're going to be on?

DE - Suite #210, I believe, which is the second floor.

MM - How many units? I know they're kind of like condo units.

DE - It is one big one.

MM - It's the one all the way to the end.

DE - Correct, that's where UMass used to be.

MM - Used to be like four doctors or something.

DE - Right, we're planning on occupying this space as is. We proposed it to the state's adult health care program managers at Mass Health. Also, the Department of Public Health and they're more than okay with the facility as it is right now.

CT - Is anyone in the audience or virtual seeking information about this petition? None

CT - Is anyone in the audience or virtual in favor of this petition? None

CT - Is anyone in the audience or virtual in opposition? None

JB - What are the minimum number of clients you will have and the maximum number?

DE - The maximum right now is sixty, what we're applying for, so the Department of Public health has a formula based on the square footage. I believe it is 50-square feet per member, and based on the actual square footage of client space that we're going to use for clients inside that unit; it equals 260.

MM - What's the square footage?

DE - I don't know on the top of my head.

MM - You said there's 50-square feet per person, and if you have sixty, it's like 3,000 square feet.

DE - We want this facility because we want to stay small, so sixty is the maximum to finalize the answer, but it doesn't mean that we're going to have sixty every day.

JB - I would imagine that the state has a law or regulation on how many staff you must have per person.

DE - Correct

JB - What is that number?

DE - That's one staff for every twelve, and one nurse for every twenty-five.

JB - I would like you to carry back to the landlord of this property that the Zoning Board has requested the idea of having their parking lot striped because we can't tell how many parking spaces are in that particular lot.

DE - I talked to him about that, so per DPH, we need to stripe handicap zones, but also it needs to be marked. So he said he was going to work on that, and we also want to have assigned staff parking spaces, so we don't fight with other folks.

JB - You have to get their state license prior to opening the doors.

DE - We already have it.

JB - The state comes and inspects you, and if they find anything wrong -

DE - They put us on hold until we fix whatever they see, but based on what they already know of the facility because DPH inspected it, they know that it's up to code.

MM - You said up to twelve per one staff and sixty would be the maximum.

DE - Correct, and our Leicester facility is very similar to this, and we also have sixty. You got to count square footage, how many bathrooms, and toilets.

MM - How many are there?

DE - Six.

MM - Where will the buses be stored?

DE - What we're trying to do, and we asked Sean Morrison, the building owner, to mark the very far end of the parking lot for our storage of the buses. So it will be stored in the parking lot but really out of the way.

MM – All the way to the back

DE – Correct, that's what we're planning, and it would make the most sense. We also are asking him to give us an outdoor space for our clients; legally, we have to have a space where we can bring them out. Have picnics and activities, you name it.

MM - So, will you be creating some green space?

DE – Yes, Sir. Not technically green because it's a parking lot, but we are trying to have a space where we have a couple of tables with umbrellas and enclose them with a vinyl fence. To create separation from everyone else and our clients, we also legally have to have a smoking area for anyone that smokes, and it has to be outside.

JB - How long is your lease commitment?

DE – As of right now, we applied for five years; we asked for a minimum of five.

JB - Is the lease contingent upon by the getting your special permit through the Zoning Board?

DE - Not only you but also DPH. So once the DPH does the final walkthrough, and they say you're good to go or say no. Then that lease is contingent upon that.

BG - How many buses will be stored on the property?

DE - To start one, once we get going and as demand grows, our plan is to have a maximum of three, and these buses carry around fifteen.

BG - Could you explain the layout of the space that you have planned?

DE - Right now, the way it is, you walk to the left will be the waiting area. There's a reception area, where our receptionist will greet people. To the right, that's where the dining area will be, so we're planning on having a small dining area to accommodate breakfast and lunch for our clients. And right now, the space is divided into three hallways, and what's there now is what UMass used to have as exam rooms and office spaces. So, every office room will be for office space or an activity room. Our model and what we do is very progressive, so if you are a walk-in. Once our providing services, you will never see anyone sitting back or playing bingo all day. We're going to be very structured and individualized, take care of every person, and assign them activities and tasks based on their cognitive ability and physical ability. As for the rest of the program, we will have a community area where they can sit, and there will be a TV and a quiet room. We're trying to put in a small ping pong table and a pool table at the end of the facility in between the three hallways.

BG – Are all bathrooms provided to the public? Or are they within the space?

DE – They are within the space, and there are two in the hallway before you enter, so those will be for staff

BG - What about your hours of operation?

DE - Planning on operating 8:30 to 3:00 PM

MM - How many days a week?

DE - Monday through Friday, right now. Once things pick up, we may add Saturday.

BG - You had mentioned in the beginning something about individual care; could you explain that to me?

DE - Once we enroll an individual, that individual may come to us with different medical or physical/mental health needs. Within seven days of enrollment, we try to do a complex assessment of the individual. We study their medical paperwork, mental health paperwork, or diagnosis of what they can do or can't. So there's an assessment that our nursing team and the clinical team do for everyone within the seven days, and pretty much what we do. We group individuals based on the score of that assessment, so let's say I come in and score between zero to three for cognitive ability. Typical folks may have memory care issues, Alzheimer's, dementia, and can't process anything cognitively. We do that because we can't group people or clients with scores between zero and three with folks similar to us who may be independent.

The level of activities and structure that we give someone who has dementia and Alzheimer's is completely different from everybody else, So what we try to do is like the school. We try to graduate those folks from zero to three rooms where other individuals score from 4 to 7, and then so on and so forth, group by group. They get the social aspect, challenge every day, we do a review named an ISP every six months to see where they're at, and we change things accordingly.

JB - Who are you for that particular organization? What do you represent, and what are your qualifications?

DE - I'm the owner. I started this when I was 22. I'm now 33-years old, so I used to work for (DCF) the Department of Children and Families. I got burned out of that and had a huge passion for caring for individuals. I was the coordinator who sent families and individuals to programs like these, but what I saw back then was a monotonous way of servicing folks. So I told myself I needed to make a difference. And if I wanted any of my family member's grandparents to attend any of these programs, I wanted to make sure that they worked for them. And I started modeling what I wanted to see.

JB - Not that it's necessary, but are you degreed in this?

DE - I graduated from Clark University, but for business and nothing in this field. I was also nominated for the Worcester Magazine's 40 under 40 in 2019.

MM - My only question is, does the Board want to see some interior layout?

CT - I'd prefer to see a floor plan that indicates what's going on within the interior of the space, but the size of the space is. The landlord should have something on file.

DE - I thought I included it within the application.

CT - I have a plan for the building.

DE - But not an actual layout of the facility. Will you like to email or drop it off in person

CT - You can email it to the building department, a copy of the lease, and a written representation of what you told us about the program. We get concerned about how many people will be there because it will help us determine the parking and traffic impact. The plan for everyone to be picked up and dropped off and the number of employees you're going to have on-site. The buses and the pattern for pick up and drop off. I am very glad to hear that you're going to have outdoor space; I would love to see where it's going to be. I know that you might need to talk to the landlord about it.

DE - It's already talked about; he agrees, and everything.

CT - Some kind of pictures showing where it's going be, and it's going be fenced so what the fence is going to consist of.

DE - Please keep in mind that to start the number of staff will be lower, we'll make our way up. One other detail of the outdoor layout and how we're going to enter and exit everyone, so no one is going to be crossing the road. So the buses will go into the parking lot; it'll be a one-way entry, one-way exit. Buses will park in front of the building. Our staff will be out there to pick everybody up or unload everybody from the vehicle and one on one each client into the facility to make sure they don't wander around. So that's our safety.

CT - Again, number of both clients and staff, number of vehicles and traffic pattern, plan for the operation, and hours of operation

MM - About the buses parking on the back, there are a whole bunch of homes, and if you could talk to Sean Morrison to maybe come up with a convenient place to park. So that when you start them up, and during the summer, it's not like backing up against the homes.

DE - No, if you're standing in front of the building, and look at it. So the left side parking lot, which is the bigger one, all the way to the back end to the left facing the street away from houses.

CT - I am going to schedule for 8:20 PM, which is the next available spot on our June 14 agenda.

MM – Motion on ZBA-2022-14 under §181.94 to **Grant a Continuance to June 14, 2022**

BG – Motion Seconded

Vote 4 – 0 to Grant a Continuance to June 14, 2022

**ZBA-2022-05**

**AG Dream Flip LLC**

**83-85 MARSHALL ST**

**6:40PM**

**Continuance:**

*Special Permit under §181.3366 of the City of Fitchburg Code to reinstate a vacant/Abandoned building as a 3-family dwelling located in the Residential C District Map 10 Block 64 Lot 0*

CT - We are four-board members tonight, which means that if you are seeking a special permit or a variance, you must get a unanimous vote to be successful; if you prefer to wait until a later meeting when we are a five-member board before you, and then you could get four of the five in order to be successful, please let us know, and we will be happy to reschedule your hearing. Do you wish to proceed tonight?

NB – Yes

CT - This matter has been on our agenda a number of times, but I think this is the first substantial hearing we're going to have on this matter.

NB - Correct

CT - You have been before the Planning Board, and I understand that there was a provisional approval of the site plan with some conditions, and I believe you were to submit a plan to the planning department that had reflected those conditions

NB - I have not gotten there yet because I just got these plans from the engineer, so I did not want to miss the meeting today. My goal is to meet you guys and then send this out so Mike O'Hara can take a look at it first thing in the morning tomorrow. But, nevertheless, I wanted to take this step and be with you guys, so I wasn't on the agenda repeatedly without showing up.

The presentation was given by Nico Berthet (Applicant), stating:

So, there are a lot of changes to the current parking plan; I only brought one copy. Initially, there was a retaining wall, which is no longer needed. So, we went from five parking spots on one side and one spot on the main property; to four parking spots and two on the main lot. So, the engineer deemed it easier that way so that we didn't have to put up a retaining wall. We had to put up a guardrail on the other side. It's just a minor change. We have come back and forth a lot about parking, and that's why it has taken so long. In December, I talked to the Commissioner when I bought the property and established that I don't go there without the parking under my belt. So, that's why it took so long to get what we needed to do, but we finally got to an agreement. It wasn't just an engineered retaining wall; it also made a plan for the garbage cans. We did that by doing four spots and two on the other side. Now, we have about an 8-foot space where we can put the garbage and recycle cans so that they will not be on the road.

CT – So, one of the conditions; is to pave and stripe the parking spaces - Provide an engineered retaining wall and/or guardrail - Provide a 3-foot setback to the property line and sidewalk - Provide room for trash barrels.

NB – Yes, we can't obtain the three feet because we are 50-feet of frontage, four spots of 9 equal 36. So we had the three on one side, 39 and 42, with the other three on the other side, leaving the eight feet for the garbage cans. So that's why we had to mess with the dimensions because we needed to fit everything in such a small area.

CT - We may proceed or continue to look at the plan, but why don't you tell us about your petition and what you want to do?

NB - My understanding was when I bought, the property had been vacant for a certain amount of time, so we weren't able to fix it up and get it going. We have the parking in the way, and we want to reinstate it as a 3-family dwelling. As you can see in my original submission, everything in that area is three to four-family homes. We cleaned it up, got

a dumpster, and cleaned all the trash on the property. We did some landscaping; we are going to pave and make sure it looks nice. We're not doing any changes to any layouts, and it seems the previous property owner had already been doing a lot of repairs inside.

He submitted a building permit or a form of intent, but he was denied and never moved forward and put it on the market for sale. At that time, I didn't know all that. I got an opportunity to jump on it, and it ended up being a little more work than I thought. I want to get it back for three units and be able to turn all utilities back on. There's no major rehab going into it; we are going to paint, sand the floors, and refinish them. The second and third floors are currently sharing a boiler, so we want to convert the third floor to fully electric baseboard heat. They all have their separate heating sources, and they're on separate meters already. I have had this project sitting for about five months, and we have a term on our loan, which time is crunching on that. So, we wanted to see how we could move forward.

CT - Did you purchase this with a rehabilitation loan?

NB - We purchased this with a hard money loan, with the intent to rehab it and refinance. It with a six-month term, so we have above a month and some change to get going. We have a great ability to get it done quickly, but we need the permission.

CT - Is anyone in the audience or virtual seeking any information in this petition? None

CT - Is anyone in the audience or virtual to speak in favor? None

CT - Is anyone in the audience or virtual to speak against the petition? None

JB - You have a property on the east side of Marshall St?

NB - Yes

JB - And you have parking on the West side of Marshall St.; who owns the property where you're parking cars on the opposite side of the building?

NB - We purchased a lot alongside the property, lot 69, which is the area where the existing parking is. Currently, there are five parking spots where people are parking, but the dimensions now that we're getting back to code wouldn't allow it because we don't have the space. So, now we only have to do four parking spaces on that side, and we're doing two right next to the actual house lot.

JB - And there is a paper street?

NB - Yes, there is a paper street. Initially, we were going to do ten spots with Steven, who's the abutter on that side, but financially we couldn't get him on board to take on that cost. So now we're going to pave our five spots, put lines.

JB - Where is the retaining wall going to be?

NB - On lot 69, it used to be a garage back in the day, so there is still a concrete area, and it's all filled in. It does grade down, but we are now going only to do the guardrail and create two parking spots.

BG - The parking across the street, how big is that lot?

NB - I'm not sure on the square footage wise, but it has a 50-foot frontage; that's all.

BG - It's 50-feet wide, and how deep is it?

NB - Probably about a hundred feet deep; it is a significant grade after about 20.

BG - I'm familiar with the topography; where would the retaining be, and how many feet into the lot will it be placed?

NB - Initially, that was the plan. There is no retaining right now, and we are not sure if it was a garage before, but there is a wall built-up already to about 21 feet. So, there's a part of it on the right side that is missing because it wasn't extended to the whole property line, and we didn't want to have to mess with that missing chunk there to get this spot. We wanted to use what's already concrete and stable and flat in the area. There's a wooden guardrail, and we're going to remove it and install a nice one.

BG - How many car spots will be there?

NB - Four, nine by eighteen, and then three feet also from the sidewalk

BG - I noticed in the front of the house, on the same side of the house, that some work has been done to the land because it seems like a landslide.

NB - Yeah, when we talked to the planning board, they were scared if there was going to be bolder stones or ledge down there. So, I hired a company to get that check, and we had a misunderstanding. They were supposed to see if there was anything, maybe put some steaks down. However, we had caution tape, and I understand that it looks terrible, but we haven't touched it. We had an excavator at that point, and nothing was rolling, so nothing was coming back.

BG - It's dangerous.

NB - I wouldn't say it's dangerous.

BG - I am thinking if kids are going beyond that caution tape.

NB - Yeah, structurally, it's not, but it is environmentally probably a hazard. That's why I'm more of an urgent that I need to be able to work there, but it was a total misunderstanding from the perspective of the terminology of what we thought the goal was.

BG - That's recent because I went a couple of months ago, and I was able to walk the property. I was hoping to do so again today, but I was unable to with the caution tape blocking.

NB - I'm very regretful that happened but at this point not much that I can do; other than let correct it as soon as possible.

BG - What is the plan to correct it?

NB - As soon as you permit me to, I have this on hold, waiting to go out there and finish that off.

JB - What are you going to do?

NB - We're going to put a retaining wall, so we're going to dig a little more to create two more parking spots. A ten-foot engineered retaining wall and level out the rest of the nearby land to make it nice and flush some grass. But I won't let him touch it again until you approve it.

GB - How were you able to touch it in the first place?

NB - Because it wasn't the idea to go that deep, it was the idea to identify that it was rock or boulders.

MM - Are the stairs going to be replaced?

NB - The concrete stairs in the front; no. They are going to be reinforced.

MM - Are you going to cut that clean?

NB - Yes, if we can get back in, we'll make it look nice and clean and cut that reinforcement with cement, but we can't do anything until I have you guys' permission

MM - And pave?

NB - Yeah, it's going cost us about 35 grand to do all that.

BG - So, the plan is a cement retaining wall; once you excavate back.

NB - Engineered blocks .

BG - I understand along back which is the paper road.

NB - Right, so there's already a retaining wall on the paper Road, but we're going to continue the same they did to shift it with the stairs.

BG - I wish you luck because it's tough to land to work with.

NB - There are many parking issues, and it is way over my head right now, but that whole grade that I have 100-feet going back. Eventually, I'm going to create a huge parking lot.

BG - That's what I thought you were going to be doing.

NB - I am when I have money to do so, I can rent the spots, and then everyone can get those cars off the street; it'll really help the street.

MM - Can you tell me a little about the renovation of the building? Are you going to side it?

NB - Right now, it has wooden clapboards, so the idea is eventually to side it. I currently work for United Home Experts, and we do siding and roofing. But right now, for getting the refinancing, we are in a time crunch financially. So we're going to replace what clapboards are rotted, broken, or chipped, and we're going to repaint it all, so it's going to look nice.

MM - How about the interior?

NB - Interior looks great, and that was the most appealing on the property when I got it. Two bathrooms have never been used, and it needs some stuff sprucing up.

BG - The heat is forced hot water through radiation or?

NB - It is forced hot water radiation.

BG - It has two zones on the second and third floor, and you're going to be eliminating one of the zones?

NB - Correct, we're going to eliminate the zone that goes up to the third-floor unit, and we're going to disconnect that. Then we're going to do an all-electric baseboard.

BG - I'm curious why you wouldn't just add another boiler to that zone because electric heat is going to be very expensive.

NB - I understand where you're coming from, but the plan is to put solar panels on the roof. So, I can connect the solar panel system to one meter, which would be the third-floor meter. And then, suddenly, it's cheaper because gas is not cheap either.

MM - We see a lot of these rehabs come in and by the abandoned homes. I would like to see some conditions; I'd like to see the site work done in a very short period. And when a work permit is issued, we allow occupancy maybe for one unit, and then another, but there's going to be some timetable.

NB - My goal is to get working on the parking, so I have no objections to that whatsoever. I could get that done very quickly.

MM - What about the whole soffit around it?

NB - It's in pretty rough shape; I would say that right now is a great time to work on that. So, the idea is to refinance it if we get cash back that we invested initially, so, at that point, I'll have some more money to invest on the soffit. However, it's not in the books right now. So, at this moment, I probably do that when I do the roof.

CT - In the back are decks, and there is a bridge to the upper backyard space leading to the flat green area in the back. The bridge is dilapidated; it does not look like it's safe.

NB - We can remove it

MM - Are you going to do landscaping?

NB - Yes, we did Mt Vernon, which was a mess.

CT - What's the fire safety situation so far? They all have to egress.



NB – They all have two egresses.

CT - Do they have two egresses if you don't repair the back walkway?

NB – Yes, because the stairs all lined down to egress the way it comes in. Basically, adjacent to the house, and it goes into a walkway. The front has an egress with stairs going down, and since we're paving, we'll do a little walkway.

CT – There is a post office box in front of the building; do you need to move that?

NB – No.

CT - What is your budget for the renovation?

NB - Counting the parking situation, we're looking at about 70 to 75 thousand.

CT - What's the availability of funds to meet that expense?

NB - They are available, \$40,000 was escrowed for repairs as part of the loan, and the rest is my capital.

CT – So, you're going contribute \$30,000 in capital?

NB - Yeah

CT – Who is doing the work?

NB – So, the work is being done with a variety of people, have an electrician, the building permit. I don't know who's doing all the work.

CT - You're acting as your general contractor?

NB - Some of the work; yes, but not all of it.

CT - Are you planning to retain this property or sell it?

NB – Retaining

MM - Is this a final plan?

NB - Is not.

CT - You have a total of six spaces right now

NB – Yeah, two per unit. I understood I came with the expectation that I was going to get a continuance because I don't have everything in order, but I can't also get everything in order unless I work. I want to turn on utilities, and I want to be able to work on the parking spots. To see if there are any leaks or anything, I need to account for when I can turn on the water. Even if that's not the case, if you don't want to give me the utilities on, it would help me a ton.

CT - I don't know if that's something we can say one way or the other. There's some work you can do in the building without having the permit you require, and there's other stuff you can't until you get this approved.

NB - If I can start painting and doing floors, that's great too. We can do it while it's light outside.

MM - I would speak to Mark, the Building Commissioner.

CT – I don't think anything in what you're waiting from us would prevent you under the law from proceeding with the work. I think you have the question of is it worthwhile to proceed with the work, not knowing whether I have a special permit or not.

NB - I see it with certain optimism because I've done a lot of due diligence after meeting you guys, and no major objections. I wanted to get the most important part, which is the parking. I think that's the only obstacle we have here.

CT - How many bedrooms per unit

NB – Two, I'm willing to take a risk; I have no choice.

BG - In terms of recycling and trash. Will that space be provided on the same side of the house, or on the opposite side where the parking is?

NB - I can only make it work on the other side.

BG - I was afraid that you are going to say it's going to be difficult in the winter on Marshall Street trying to get those out.

NB - I have no other option, honestly.

CT - I will ask the board members whether there's any tolerance for a decision only meeting. Are we meeting on our second meeting date in June?

JB - I can be here

BG - I'm willing

MM - Sure, whatever's the rule

NB - I don't know what this means, but I thank you.

CT - I'm only inclined to do a limited number of meetings, and I'm only inclined to do this in order to reach a decision, which means you need to deliver everything to us before the hearing. So if you have anything further to say on the petition, submit it in writing along with the other materials going to Mercedes.

MM - Motion on ZBA-2022-05 under §181.3366 to **Grant a Continuance to June 28, 2022**

BG - Motion Seconded

Vote 4 - 0 to **Grant a Continuance to June 28, 2022**

submit the final plan

**ZBA-2022-06**

**Ulson Lucien**

**133 CEDAR ST**

**7:00PM**

**Continuance:**

*Special Permit under §181.3322 of the City of Fitchburg Code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to §181.416 located in the Residential B District Map 22 Block 36 Lot 0*

We are a four-member board tonight; if you are seeking a special permit or variance, you must get a unanimous vote to be successful; if you prefer to wait to a later meeting when we are a five-member board before you, and you could get four of the five in order to be successful; please let us know, and we will be happy to reschedule your hearing. Do you wish to proceed tonight?

JF - Yes

The presentation was given by Ulson Lucien (Owner & Petitioner) Atty. John Flick (Legal Representation), Stating:

I am hoping that we may be able to clear some confusion on this matter. I have revised plans for the property that it's going to be converted back to a two-family, which is a permitted use. So therefore, it doesn't require a special permit. It's exempt from the special permit process under zoning. It's our legal position that those special permits wouldn't be needed, so we're hoping that we may be able to resolve any confusion tonight at this meeting. My client can submit revised plans to the building commissioner and obtain the building permit to proceed.

CT - We haven't received any revised plans for the meeting.

JF - I understand, and I have four copies for you.

CT - So, if I read this right, this has been before the Planning Board for a site plan review.

UL - They already approved five parking spaces.

JB – Where?

JF - On both sides of the property.

MM – You need a three feet side setback from your driveway to the property line, and there are only nine feet between the house and the property line.

JF – It's a preexisting nonconforming property.

JB – It doesn't make any difference; you've got to conform to the parking.

JF – Well, if the planning board approved it, the planning board approved it

JB – Planning Board approved it, but we won't approve it with no parking. You're not going to put cars on the street.

JF - I understand that, but if the Planning Board already approved it.

JB - They couldn't approve the parking because there's no parking available.

JF – Although you got a certified copy of the site plan from the engineer.

JB - If they approve parking, somebody miscommunicated, misrepresented, or did not measure the parking space properly. We were there tonight, and there were exactly seven feet from the house's edge to the end of the driveway. Where the retaining wall is before you become the free space.

MM - On the left side are nine feet from the foundation to the property line, and on the right side are nine feet, but you have two feet impedance loss for the gas meters.

UL - I got the engineer signed and stamped, who went to the property and did the measurements.

CT - This is still before us only for a two-family, so procedurally, the issue that's before us is not an appeal, it's a request for a special permit. So it wasn't filed to appeal the Building Commissioner's decision and wasn't filed within 30 days of that decision. So, there are a number of procedural barriers to your request.

JF - We were engaged after the first hearing, so we weren't part of the initial process. However, I understand that I may mis-understand what transpired here after my client obtained the approval from the Planning Board. He came back to the Building Commissioner with the plans to change it back into a two-family. At that point, he was told that he still had to go for a special permit and submitted the special permit application, and he came before the board for that. So, I'm going to try to clear up some confusion that appears here because it is going to be converting it to a two-family. It's what the new plan shows, and that's a permitted use under the use table. It is a preexisting nonconforming structure, which is exempt under your zoning laws and ordinances. Therefore, he should be permitted to proceed with plans to convert the property back to its original use.

CT - I read through Attorney Kolodny's letter and again, putting aside the procedural issues with proceeding with an appeal, at a meeting advertised as a special permit more than 30-days after the zoning determination, this is my understanding of our zoning ordinance with regards to the resumption of abandoned properties because that's what this is, abandoned property. As Attorney Kolodny's letter acknowledges, last used as a three-family.

JF – Yes

CT – A three-family is not permitted in the district, which is why it was a nonconforming use. A nonconforming structure and a nonconforming lot. Pre-existing, and certainly there for more than 10-years. It has protection in that sense, but the use was abandoned. Under our zoning ordinance, which was originally enacted to make it easier to reuse abandoned housing, there are exemptions based on the class of building. Single and two-families being treated differently, but this is and was a three-family.

JF – Correct

CT - I would not treat this building as a two-family because that was not its nonconforming use. You are trying to change the prior use, which was both nonconforming and abandoned, to a lesser use. In addition, there's going to be a

modification of the structure, so we have a modification to a preexisting nonconforming structure. So, we see this as requiring the special permit for both reasons.

JF - That's not consistent with your zoning ordinances; it was a preexisting nonconforming use. It does not fall under a special permit requirement now that you're bringing it into conformity. Under your zoning ordinances, it would be exempt as an exempt structure where it's located in a zoning district, which permits the two-family residential use. So therefore, even under a plain reading of your zoning ordinances, this is a permitted use and is exempt from the special permit process.

CT - You would have to start that process with a preexisting nonconforming three-family use, not as if there were a new structure.

JF - It was a preexisting nonconforming two-family use.

CT - If a new structure was built on this lot, as a two-family, the use would be allowed by right. However, the lot is substandard, of course, and setbacks are nonconforming

JF - According to your zoning ordinances, it is changed from one nonconforming use to another less detrimental nonconforming use, which is a change from a nonconforming use to a permitted use. Therefore, it is outside the purview of the special permit provisions of your zoning ordinances.

CT - So, the other section to look at is 181.333 regarding nonconforming structures. I understand the issue that you're pointing out in 181.332, change from a preexisting nonconforming use to another preexisting nonconforming use

JF - But then you have the exemption as an exempt structure under section 181.3362, any legal nonconforming structure or use that has been abandoned or has not been used for two years or more and is one of the following. Properties are located in a zoning district that permits any residential use. Assuming 181.313, those are exempt structures from the provisions that you're referring to

CT - Again, though, we're converting downward.

JF - To a permitted use.

CT - But it's a different structure.

JF - To a permitted use, but it's nonconforming.

MM - You're not going to a two-family that meets all the setbacks, the area, and everything

JF - And that's all exempt under your ordinances, that's what I'm saying. He should be able to go in with these plans and get a permit because it's a permitted use.

CT - Okay, so have you gone back to the Building Commissioner and asked to re-issue the decision?

JF - That's the step we are going to take, but we wanted to see how this was today. So, I would suggest that would be the next step that we took, and honestly, what I would propose to the board; is we could continue this matter. My client could go back, and apply for the building permit for a two-family, that he receives it. This matter consuming be withdrawn

CT - We'd be happy to do that, which would resolve the procedural issues. At this point, to continue to July.

JF - Hopefully, it will become a moot request.

MM - Where is the gas meter is going?

UL - I talked to the Fire Department Captain Cringan, and he suggested placing a couple of heavy-duty bollards.

MM - What I don't get is that there's no room to put a car there

UL - I have pictures of a car parked in there.

MM - You probably do, but when you open the door, where's the door where it ends up. On the neighbor's property

CT – Reads to the records of other departments' responses, the Board of Health has no issues with the proposed petition. Inspector Zuppa from the Building Department has no objection to the reinstatement of the property as a two-family dwelling. Providing egress requirements are met, the required number of parking spaces is satisfied, and a solution for the possible relocation of the utility pole is agreed upon. Currently, a utility pole is blocking the driveway on the left side of the property.

From the fire department: The individual listed above contacted the fire department regarding this three-family property. He emailed me pictures of the property and plans for two driveways to be located on both sides of the residence; there was a concern about a second means of egress to the apartments. Mr. Lucien stated that he plans to convert this property into a two-family, and the basement area will not be occupied. He stated that both units would have two means of egress. The fire department recommended that he place a couple of heavy-duty bollards in front of the gas meters located on the right side of the house in close proximity to the driveway. Another option would be for the gas company to relocate the meters so that they are no longer in the driveway area. This is from Captain Ryan Cringan, fire prevention director.

CT - Is anyone in the audience or virtual seeking information on this petition? None

CT – Is anyone in the audience or virtual in favor of the petition? None

CT – Is anyone in the audience or virtual in opposition?

A written letter from Edysson Aquino of 127 Cedar Street, stating: To Whom It May Concern, this letter is in response to the special permit under section 181.3322 of the city of Fitchburg code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to 181.416 located in the residential district map 22 blocks 36 lots 0.

I, Edysson Aquino, owner of 127 Cedar Street Fitchburg, MA, am firmly opposed the reinstatement of the mentioned property to be used as a multi-family dwelling for the following reasons.

Parking in said location is not available, and there is no space (land) for any future parking. When winter sets in, parking along with snow becomes almost impossible. Removal of snow also becomes a serious matter. Building a driveway or parking space on the side facing my gas line and meter could be very dangerous due to cars backing in and out.

Thomas Chrost of 137 Cedar Street, I'm to the left and the telephone pole that it's been talked about, the utility company says they want to move it. In approximately a foot and a half, and with the pole's diameter, it comes approximately 3-feet from my property. That pole might be impeding that driveway, but if he moves the way they want to move it, it's going to be smack that almost in the center of my driveway. There's no way that I could tolerate that; it's not doable. Also, I would try to explain the parking they're talking about. They want to fill in the back of the first parking space, and by doing that, they're going to be up on my property. I don't know what the rules and regulations are for this stuff, I'm not adept at that, but it doesn't seem this is in the best of conditions. If you put three Volkswagens in there in the middle of the summer, you might have problems, but if you try to put three standard-sized cars with bad weather sets in freezing and unfreezing snow. It's an intolerable situation; there are exhaust pipes from these cars. It would be practically in our living rooms because of the level and the descent.

UL – That letter was presented saying it couldn't be from Edysson. I talked to Edysson, and he said it's fine. He is parking his pickup truck in my driveway right now. I asked him if he wanted me to do the retaining wall, but he is worried about a pipe, and he wants to be able to put his foot through my property.

CT – So, in the interests again, because we're going to continue this hearing to seek another resolution, I'm going to move this forward by asking for a motion for a continuance.

MM - If we have to hear the case, can we let the petitioners know what we want to see? I'd like to see a parking plan from the Planning Board that I can actually see. I'm beside myself, and please don't take this personally because I don't

understand how this parking got created and approved. Nobody's visited the site; apparently, this property has been before us several times.

CT - In this letter that was sent, it mentioned that the basement floor was being turned into laundry facilities, I believe  
JF - Yes

CT - It's not reflected on the plan that was submitted to us, so I would like to see that reflected on the revised plan

MM - Motion made on ZBA-2022-06 under §181.3322 to **Grant a Continuance to July 12, 2022**

BG - Motion Seconded

Vote 4 - 0 to **Grant a Continuance to July 12, 2022**

**ZBA-2022-13**

**Adam Pishdadian**

**76 PRICHARD ST**

**7:20PM**

*Special Permit under §181.336 of the City of Fitchburg Code to reinstate a vacant/abandoned building from one nonconforming use to another less detrimental nonconforming use as a two-family dwelling pursuant to §181.332 located in the Residential C District Map 31 Block 80 Lot 0*

We are a four-member board tonight; this means that if you are seeking a special permit or a variance, you must get a unanimous vote in order to be successful; if you prefer to wait to a later meeting when we are a five-member board before you, and you could get four of the five in order to be successful; please let us know, and we will be happy to reschedule your hearing. Do you wish to proceed tonight?

HP - Yes

The presentation was given by Hamid Pishdadian on behalf of Adam Pishdadian's property and petitioner, stating:

First of all, what my brother wants to do is to live in the house himself. He wants to convert it into a two-family dwelling. He wants to rent one unit and live in the other one; he sold his house in Randolph last year or around 13 - 14 months ago. So, he has enough money to rebuild the house. I understand that there are a lot of concerns about the building. It has been abandoned for a while, and there are quite a few changes that have to be made, but when you look at the house from the front, it looks very nice. Obviously, it needs a lot of cleaning; he has done a lot of cleaning and removed a lot of trash from outside. He needs to obtain a permit to start rebuilding it; his intention for the third floor is to use it as a storage area. He doesn't need the space, and it's not big enough to get it to fix it for rent. Also, the access to it is not even that feasible, in my opinion. I have an engineer, I'm not a civil engineer, and I have a couple of engineering degrees. The intention was made on the 3rd-floor unit to access it through the 2nd floor, so better use it as a storage area.

CT - Have you checked with the fire department on what is needed from them?

HP - Whatever is needed will be done, but he can't do much. One of the City inspectors visited the house to see the structure's condition in general. It's not in bad condition at all. It's quite a bit of repair, but that's the intention. He wants to clean it up, put a nice new porch in the front and replace the steps—the staircase on the side access to the second floor. After that, he wants to build the platform. In terms of structure and making it sound, that platform is too narrow; it is old and needs to be replaced, corrected, and brought up to code.

CT - Reads the other departments' comments to the record: From the Board of Health, this building has been vacant for at least ten years and has changed ownership numerous times. I would like to see something happen with this property.

CT - Is anyone in the audience or virtual seeking information on this petition? None

CT - Is anyone in the audience or virtual in favor of the petition? None

CT - Is anyone in the audience or virtual wishing to speak against? None

CT - I would say that many things are missing from this application that I would like to see to make a good judgment call. A floor plan

HP - I did a floor plan myself, so I know they exist if you don't have them. But, in fact, there's the overall building plan and interior plan.

CT - I'm also interested in getting feedback from the fire department. I would like to see as far as egresses.

HP - I would have to contact them?

CT - Yes, contact the fire department for an opinion on the adequate means of egress. It concerns the fact that the fire department comes along in a fire situation. First of all, we have to make sure people can exit the building safely, and then we have to make sure that the fire department can get to the building. And you, of course, have no driveway because it's built up on a hill, the backside is how they would access it, and I want to make sure that whatever they need for access. It is available, and get a written comment.

HP - So, what the fire department says, this is what I have to do. So, that would have to go in the plan.

CT - We would look to the fire department for what is necessary, and then it would become a condition of the special permit. Then you would make that part of your plan for rebuilding

HP - The fire department comes in and gives us a written document of what has to be done. It has to be implemented in the plans.

CT - Yes, that would be the case because you're going to be doing a major renovation to the building. Because you're changing from one use to the other, we want to know how you're going to do it. There's going to be conditioned on how you do it, and very likely that it's going to be built according to the plan you give us. So, you know what you're doing, and there's a standard that the inspector can look at later to see if they comply with the special permit. For example, you said you're going to fix the stairs.

HP - Yes

CT - I would want to make sure that's done and represented in the plan. I would want to see a scope of work, budget, and proof of funds. To show that you have the ability to complete the work, and then a timeline for completion of the construction.

HP - From the start, because we have no idea how long this process is going to take

CT - From the time you start, what's your estimate. We'll discuss this at the end, but where this was a four-family, it's going to be converted back down to a two-family. I would like to understand how that conversion happens, so I would like to have a site visit myself and see the property's interior.

HP - When do you want to do that?

JB - I would like to know what's going to be done with the back of the house, the abutting to the street part. It looks like they took a beautiful home, which is a beautiful home in the front, and they kept building up, and they built up. It looks like they didn't think about how they were doing.

HP - I have no idea.

JB - How about that bridge that goes across, and that's four by four posts.

HP - I personally would never ever walk on that bridge, that is not how you do things, but clearly, somebody did. So, it has to be removed or corrected.

JB - It has to be removed, I would think.

HP - I agree; whatever the board decides will have to be done. He doesn't care about the third floor. He wants to use that as storage.

MM - Is there any thought given to deconstructing some of it?

HP - I suggested that to my brother; I said I think we should remove a portion and leave a little bit in the middle. Redo the roof, so it's a proper roof. That you can actually define the roof, but it depends on what you require. It's not up to him because he doesn't care about the third floor. If the board feels we should remove the third floor, we obviously have to keep the cost in mind, but we could make it smaller.

CT - I would say that for me to consider this being permitted. I want to make sure it doesn't go back to more than a two-family use. When I looked at the building outside, that would only happen if there were removing portions of the building. As I said, I want to see the interior so that I can understand it from the inside. When I'm looking at this, that's the intent. We're going to closely follow this progress and ensure that it's completed to plan. It is a substantial investment.

HP - He does have the money in cash in his bank; he intends to live on the property because he likes Fitchburg.

CT - I want to make sure there's tolerance for that process because if it were going to be a small investment flip. I don't think it's going to be worthwhile for him. So as long as he's willing to go through this, you know we're happy to work with you, with him, to look at making this an appropriately renovated property.

BG - What is the plan for parking, Sir?

HP - The building itself has 50-feet on the front, and the back basically is one parking. There is always an empty space at the back of the house.

BG - On the street?

HP - Yeah, one in the back and one in the front, but it does have 1500-foot of frontage. He doesn't mind building parking, but it's so steep the problems. If you cut too much into them, you have to rebuild around a retaining wall, and that's too expensive. So he does have a lot of space for a couple of cars, and there is almost nobody there.

CT - The only issue is that there is a parking ban every time we have snowfall. He would have to remove all the vehicles to another location at that point in time. During a snow ban or emergency, the City has public parking garages at the end of the street. There's another one a block over from the house.

BG - I visited the site a couple of weeks ago, and I noticed there was a lot of debris on the lot. A lot of overgrown vegetation

HP - I understand, but he hasn't been here in three months.

BG - I'd like to see an effort to clean it up.

HP - He did clean it up several months ago, I thought last year, but since then, he hasn't

BG - The walkways are dangerous, and it looks like there was a wooden walkway at one point. It's been removed, and there's a walkway recessed before the grand stairs away, and it was with no railing.

HP - The plans do indicate rebuilding the whole steps into the flat area, which is going down once and then flattened go down again

BG - Maybe some caution tape, so people don't go up there and get hurt

HP - Okay

MM - I'm anxious to see this get rehabilitated.

HP - He purchased it years ago, but he finally called the Building Department to find out what to do. And he was told that a Special Permit was needed. So I am here tonight, but he is trying to be here with me next meeting.

CT - So, it is seen that all Board members would like to have a tour to see the interior.

HP - Can we schedule for when he is here?



HP – He will be back on the ninth of June.

JB - Let's go separately.

HP - As long we ask him once he gets here, and if I have to, I am willing to do so.

CT – So, we could schedule this half and half, one hour and then the next hour.

HP - Any day is okay for us

JB - We two can go on a weekday

HP - Based on that, it's going to be at least three to five months, I would say.

HP - I have an idea where the steps are; we could extend that platform access to the second floor. Would it be acceptable? Would the first floor have its own trash? It's that true or not.

CT - If there are two units, each has its own trash and a recycling barrel. But I would love to see a plan that gets the trash barrels off the streets; so that sounds like carrying them up and sounds very onerous, and I think it might not get done.

## BG – Motion Seconded

Vote 4 – 0 to **Grant a Continuance to July 12, 2022**

**ZBA-2022-17**                      **Jeffrey Summers**                      **69 HIGH ST**                      **7:40PM**  
*Special Permit under §181.94 & §181.77 of the Fitchburg Zoning Code to operate a sober house pursuant to §181.313A5 within a reasonable accommodation in accordance under the Fair Housing Act 42 U.S.C. 3602 located in the Residential C District Map 19 Block 22 Lot 0*

We are a four-member board tonight. This means that if you are seeking a special permit or a variance, you must get a unanimous vote in order to be successful. If you prefer to wait until a later meeting when we are a five-member board before you, and you could get four of the five in order to be successful, please let us know, and we will be happy to reschedule your hearing. Do you wish to proceed tonight?

JS – Yes

The presentation was given by Jeffrey Summers, property owner, and petitioner, stating:

My petition started out as a reasonable accommodation, and I think it's switched from reasonable accommodation to a Special Permit. In August of last year, I first started getting written notice from the Building Commissioner Mark Barbadoro for a reasonable accommodation. As I told you last meeting, I did so because I was instructed to do that before, and I did the same thing in 2014. I received a reasonable accommodation from at that time former Building Commissioner Robert Lanciani. I thought this was going in the same manner. So, I did the same as on my other properties at; 499 Water St., 33 Garnet St., and 10 Burnett St. However, Building Commissioner Mark Barbadoro said it was out of his purview. So, he could not do it, and I needed to come to zoning in order to get it. So, that is why I'm here.

I purchased this property almost two years ago; it will be two years in August. The number of men living there now has been living there since then. This wouldn't be a Special Permit to change anything currently since this location has been a lodging house, group home, or boarding home, whatever you'd like to label it. It has been that for over 50 continuous years in that exact location. So, there would be no change for the neighborhood; the parking situation has been what it's been for all of those 50 years. It will be no change in parking; we haven't had any complaints from neighbors. The guys generally go by their day; most work full-time jobs. The paperwork I submitted from my architect Brent Heinzer shows that the building fully complies with the sprinkler laws, fire code, handicap access, and fire extinguishers. It has the proper means of egress. It has been this way already, so it doesn't change anything.

CT - I'm going to take you through the City lodging and boarding house criteria and have you respond. If it's something that you don't think that you can meet, and you want to request a reasonable accommodation from, please let me know. Because what I'd like is to make sure that we have a list of what the reasonable accommodations are that you're requesting.

JS - Okay.

CT - The first criteria is that the proposed use and structure are compatible with the neighborhood's scale and character. So please tell me how you meet that or whether you require a reasonable commendation from it?

JS - I do not require reasonable accommodation for that. I meet that because of history as I stated the property at 69 High Street. It has been a lodging house, boarding house, sober House, and convalescent Living Group home for 50 years. So, it doesn't change the character of the neighborhood. It is the neighborhood.

CT - Does the site have sufficient on-site parking to serve residents and employees?

JS - I will say this property, as this map shows, only has a neighbor on one side. On the high street, Simon Street and Mt. Globe Street, it's all open parking. You gave me the criteria to measure and use 18 feet for each spot. When I did that, I came up using just on my property line with six spots on High Street; all around would equal 18 spots. However, currently, only three gentlemen have cars. The majority of the guys don't drive or don't have a car. For various reasons, they don't drive, and even those who have a license don't have a car. So parking has never been an issue.

MM - Is there parking on that side of the street? Legal parking?

JS - I think there is; there's not a sign that says no parking.

MM - Isn't one between your house and the House next to you?

JS - Is there a sign?

MM - Yes, it says no parking.

JS - But it's not for the street, to my knowledge

MM - It says no parking on that whole side of the street

JS - I was unaware of that, and I don't want to sound like a wise guy, but does Fitchburg have parking enforcement? Two of the guys who have been with me from the beginning they been parked there every day; for two consecutive years and never received a ticket or warning.

MM - I'm just looking at a picture; there's no parking on that side of the street.

JS - On the whole side, or just right there?

MM - Well, the signs typically are placed so many feet apart, so if you park there, you don't get a ticket fine. If you do get a ticket, just understand is no parking there.

MM - My preference if we are talking about pedestrians, sidewalks are for people, not cars. So, all the vehicles are parked on the sidewalk or some form of the sidewalk.

CT - Do you have any other employees coming to the building other than yourself?

JS - I have one nurse that comes to a couple of days a week for one of the guys.

CT - Trying to think about the parking needs would be there. Are there any other service providers or people visiting the building not accounting for people visiting the residents, of course?

JS - Not on a regular, consistent basis, but there's never an issue when people come by. As I said, we have those three streets.

CT - So, if I said to you that there's a requirement in the zoning ordinance for off-street parking. You're not able to meet any off-street parking requirements. Would you say that you would want reasonable accommodation from the parking requirement to that extent?

JS - Yes

CT - Is anyone available to transport the residents if they need to go somewhere, or is it all managed on their own?

JS - There's no transport. Also, I was going back to your last question, if the House been there for however many consecutive years. Built more than 100 years ago, how would one put off-street parking there? Or do you just tear the house down?

CT - Speaking imaginatively, there is this side yard, but the engineering is necessary to put a driveway in when you have a retaining wall right here and then another retaining wall in the back. It is seen as difficult, I would agree. The next criteria is, does the property satisfies the requisite building and life safety codes? So, would you respond that you meet that criteria, and if not, do you need any reasonable accommodation

JS - I think I need those criteria

CT - Tell me about why?

JS - I meet that criteria because the House is fully sprinkled with a 13R system. It has smoke detectors, carbon monoxide detectors, fire alarms, fire extinguishers, and other required apparatus.

CT - How about the building code?

JS - What about it

CT - Well, the criteria is that the property satisfied the requisite building code and life safety code

JS - Yes

CT - So, you believe you meet it

JS - Yes

CT - Talk to me about the fire escape in the back.

JS - So, when I purchased the property, the veteran's administration, and whether it was because of the sale or was just the yearly time. They inspected in April, and they passed everything, including the fire escape. It was in bad disrepair when I purchased it. However, it passed all of the City inspections two months after I purchased it. I got a notice from the Building Commissioner saying that it was in disrepair and that I needed to get a registered architect or engineer to

bring it up to safety. I needed an architect and engineer because a breach was formally coming from Mount Globe Street. I got that engineer, and he gave all of the plans; the bridge was removed, and the stairway was rebuilt. However, the contractor made a mistake; the riser is a little too high. I think it's 7 1/2 inches instead of seven. So, they required me to tear down the new stairs and do them over.

CT - Are the stairs to the third floor going to be replaced at the same time?

JS - They're going to be replaced shortly; however, the architect went over them and said that they are fine for now. They are not in danger of life or limb, and he did say they should be replaced at some point, but it doesn't have to be tomorrow. So I do plan on replacing those soon.

CT - Next criteria is whether the applicant has provided a satisfactory management plan? And you had gone through this in your letter to us. So, the basic plan is that you are the manager, and you have two residents who manage the property underneath you.

JS - Correct

CT - So, you have the house managers. I think there's a more appropriate term. They greet new tenants upon arrival and administer the drug and alcohol testing. What does assigning a monitoring choir mean?

JS - does that say choir? It should say chores.

CT - Thank you, if you had a singing group associated with it, I didn't know that. Conflict resolution, scheduling, organizing health meetings, observing, documenting, and reporting to you on a daily basis. So what do those reports consist of? Do you have a phone call where you check-in? Do they put a written report in?

JS - They do not do written reports; we're at the custom of communication by phone. It could be the smallest thing to something big if anything happens. Sometimes we've had situations where someone's cooking a cheeseburger and sets off an alarm. They're going to call me to tell me to reset it. The fire city comes up because it has a fire panel, which hasn't happened too often. They would give me a call or if a new guy comes, and you're not sure of something, call me. But I try to be there when new guys arrive, as I said in my introduction, before someone arrives. I've already talked to them; I've already got a copy of their site social and application and see if they will be a good fit for us. Sometimes we don't say yes to everyone; we've had situations where a hospital might call us and with hospitals once the present insurance is out. It's like a fire sale, they have to get rid of them, and they'll call you, and then it would be like a language tried to give a bad tenant. I'm going to tell you everything good about them, and then the person gets there, and it's not good, that kind of thing has happened. We've got people who have schizophrenia, and we can't handle that kind of thing.

CT - Do you have a set of house rules? Or are there any? Is there a written set of rules?

JS - Yes, there are

CT - So, if you don't mind forwarding a copy of those, please

JS - Okay, I will do

CT - What's the process for a tenant who has an issue with a condition with the property?

JS - Conditions, like what?

CT - There's an issue in their room; the heating doesn't work, the bathroom doesn't work, the lock is broken, and sometimes the property condition needs to be resolved. A normal tenant would go to their landlord to resolve that property condition. What's the process?

JS - They would first tell Gary or Christian about it, and they would tell me, and we will try to take care of it

CT - Do you have a residency agreement?

JS - We have a tenancy agreement, but we will be doing leases. That's something that has recently come up in our other court cases. I don't necessarily have a problem with a lease, but this is a sober house where these guys try to maintain

their sobriety. So, if residents start and relapse, they are all addicts. If the resident relapses, he has to leave. You don't have to live with him, but you have a lease.

CT – So, what would you normally do?

JS - I give them the option to detox nine and half times out of 10. They take that option because they understand it is to go a detox or leave

CT – What happens with the number 10?

JS - We asked them to leave, and they did. It's a very easy process, and you asked about the house rules. Rule number one is you can't use drugs or alcohol, and if you break rule number one, these are the consequences.

CT - How often is testing conducted?

JS – Weekly

CT - Do you keep records? Or do you decide based on the results from that week?

JS - Make a decision based on the results from that week.

CT – So, it's a no-tolerance policy, then?

JS - I wouldn't say zero tolerance like a lot of places are; if there's no conversation, if the results say this, you pack your bag. That's not how I do it because you don't even get to go to detox; you leave.

CT - After someone completes detox, is there a place safe for them? Or is it just what's available?

JS - No, it's safe. If that's what was discussed, you have the option to go to detox. Your bed will be here when you come back, and your stuff will be safe.

CT - What is the fire safety plan for an exit in case of an emergency? Is there a written plan?

JS - There is an escape plan right in front of the House downstairs, near the firebox. It shows you the exit and where to stand when you come out of the House. However, I've never conducted fire drills.

CT – So, no safety drills have been conducted?

JS – No, we have not conducted fire safety drills or walked fire safety drills

CT - Who is responsible for getting the residents out and making sure all the residents are out in the case of fire?

JS - The house managers, but the fire alarms or the carbon oxide alarm are going off, and if there were fire, the sprinklers are going off. So, I'm confident that they would be safely discharged.

CT - Have they received any training in evacuating the building in the event of a fire?

JS - Yes

CT - Do they have the ability to enter every residence room?

JS – They are no locks. The door doesn't lock.

Ct - When we were there for our site visit, we couldn't go into a couple of rooms because they were locked.

JS - That was the office, no one was in there, and the other room you couldn't go to was a combination on the bathroom door to separate it from different floors

CT - And then another bathroom

JS – Yeah, but your question was sleeping room everyone is allowed to go in; Yes. And to every locked door, they have keys to access those locked offices and the other rooms they have access to get in.

CT - Is there a rule about one of these house managers being present on the premises 24 hours?

JS - No, 24 hours a day; they both live there, but what they do is coordinate with one another. Say, I'm going out at this time, and you're going to be home, and always at night, one of them is home. But there have been instances that maybe no one was there for a few hours during the day.

CT - Next criteria is, does the proposed use will not generate excessive traffic or noise? Could you meet that criteria, or do you need accommodation?

JS - I do not need accommodation from that

CT - So, tell me about how you need that criteria?

JS - I meet that criteria because it's not that we have loud parties; they are regular normal tenants. Most of them work during the day, and when they get home from a long day of work, many of them are sleeping. Some of our issues, chairwoman, is getting people up and out sometimes. I think a couple of the rooms you went in last week. When you visited, people were still sleeping, so noise was never a problem. It's pretty much the way you saw the House last week, and the noise level you witnessed is that all the time. As far as traffic, I think that is the same as the parking that we discussed, we have three cars total there, and we don't generate any traffic.

CT - You generate some traffic, but you don't generate a lot of traffic

JS - We don't generate a lot of traffic, and the traffic that we generate is not nuisance traffic

CT - Because your residents don't have rides, do you think it is fair to say that there are a lot of service providers. Or something like that, coming into the building regularly, or at least coming to the building. So, they'll need to get somewhere, which sometimes involves walking to public transportation. Sometimes, people will come to visit and have some deliveries. Would you say that is the same as any other residents or a little more than the other residences; because your residents don't have vehicles?

JS - I would say it's the same, in fact, right before coming here. We were having house meeting as every Tuesday night, and one of the issues that we were talking about was excessive food in the freezer. So, yes, they eat out occasionally or call for food occasionally, but it's more cooking. I say that there's more cooking going on than ordering out.

CT - Finally, at least for this initial part of their question, you've asked for 22-residents to be allowed. What is the reason that 22-residents are needed?

JS - The reason is because that was there initially. That has been there uninterrupted for the past two years. If we all of a sudden say only twelve can be there, then those ten disabled gentlemen will have to find a new place to live. That is why I need reasonable accommodation because they've already been there. With the rent prices right now and the availability of apartments and sober housing, the big thing is the strength in numbers that they live together and find comfort in supporting one another.

CT - Is there a particular reason that twenty-two is necessary rather than twelve?

JS - So there's not a particular reason, it would be the whole third floor maybe we tear it down right; it can't be used. The building without the third floor can't house more than twelve, and the third floor is legal.

CT - I'm asking about the particular number that you're asking for

JS - Yes

CT - What's the reason that twenty-two is better than 12?

JS - Because that is what has been when I purchased this building. I never thought there was an issue of how many; I didn't ask anyone because I didn't think I needed to. So, when I had twenty-two because that's when it fitted from when I purchased it, and I had them for over a year before I heard from the City saying I have too many people. Now, it's been two years since the people have been there, so it's not because of a specific number; they were already there.

CT - So, the reason for twenty-two instead of twelve is because you opened this building without any permits. And you put twenty-two people in there, so it's because you put twenty-two people there, and you don't want them to be displaced.

JS - I didn't open it without any permits, I opened it, and I didn't know that I needed any permits. And yes, there are twenty-two people there from when I opened it; yes.

MM - When you purchased the property, did you go to the building department and say I'm starting a business, or I'm going to have this business here to inquire about it?

JS - When I purchased the property, I already had business here for ten years

MM - I'm talking about when you purchased this property, and you said I'm going to have a business in this property. Did you go to the building department and say this is what I'm doing; what do I need?

JS - So, when I purchased this property, I was so excited to purchase it because I already had issues with other properties in the same business. And the issue with the City was the sprinkler system; I've been in court with this City for ten or nine years. I found this house with a sprinkler system; I was very excited and very anxious to purchase it to put my issues with the City behind me. Because that is what they told me, the issue was a sprinkler system. So, I didn't need to ask them. I'm saying my problems are over with the City.

MM - So, you assumed.

JS - Yes

MM - So, again, you didn't go to the building department

JS - I was already in contact

MM - When you bought the property, what do I need to say? This is what I'm opening up?

JS - I didn't go to the building and ask if I could purchase the property.

MM - No, that's not what I am asking; I am asking is: When you purchased the property, and you had intent, did you go to the building department and say this is my intent? What do I need, and what can I do at this property?

JS - I was planning to, but the City was closed because of covid. The City was closed during that time. It was closed, and I couldn't get in contact with anyone, but I already knew.

MM - You didn't email, phone call, or get on the website and reach out to the billing department.

JS - I was trying but couldn't get in contact; so no

CT - Do you know there's online permitting now?

JS - Yeah

CT - To total this up, you stated in your presentation that it meets the criteria for issuing a special permit, except the parking, which you would ask for a reasonable accommodation from, so that's accommodation #1. We discussed whether or not it meets the building code and life safety code, and I think you're asking for reasonable accommodation there. Because the back stairways are not compliant, and you're asking for reasonable accommodation in the number of residents you have, there being twenty-two.

JS - I'm not asking for a reasonable accommodation for the building safety or any building issues; you can't have a reasonable accommodation on safety. So I was not asking for that. As far as the parking, I don't know that we need a reasonable accommodation for the parking, but if you say I need one and if you want to give me one, I'll take it. But parking is not an issue right now, and I don't foresee it being an issue.

CT - We're here about the zoning ordinance and whether or not you believe that particular use is being put to you right now because the residents were in there right now only have three spots. They're able to find street parking. Zoning Ordinance says there must be off-street parking.

JS - There will never be off-street parking

CT - There will never be off-street parking, and I agree with you

JS – No, matter who owns it

CT – So, you would need to seek a reasonable accommodation than for meeting the requirement?

JS – Okay

CT – Reads to the record other City departments' commentaries: The Board of Health states many health code violations still exist HOU-21-399. I believe that's a housing court case.

JS - I disagree with that because we fixed everything they require.

MM – Did you fix the leak in the ceiling from the toilet?

JS – Yeah

CT - From the Planning Department: This property needs to be licensed as a lodging house if the number of lodgers at the property triggers the use type as a lodging house. The building commissioner determines the use type. As you know, the license is prepared through the Board of Health license to operate a lodging house.

CT – Is anyone in the audience or virtual seeking any information in this petition? None

CT – Is anyone in the audience or virtual in opposition? None

CT – Is anyone in the audience or virtual in favor?

Gary Poulin, House manager and resident at 69 High Street. I've lived with Jeff for almost seven years; a backpack was when I first moved in. I now have a really good job with the state of Massachusetts, I have a very healthy savings account, and I have a very healthy stock portfolio. I'm extremely knowledgeable about addiction, and if twenty-two guys seem like a lot, but if you walk in there, it's not. To me, to put twelve people out statistically, an addict will always stay sober. It's 5% for five years. So, if you take that away, a lot of the guys in the house are sober for less than a year. This is a very good chance that they will probably die right out here on the streets of Fitchburg. Because there's nowhere else to go, I've been living there for two years, and as I said, the parking, I have a car, so I parked there, and I hadn't seen the sign that was talked about before. I've known Jeff for about seven years now, and I've seen back and forth with the City, and it's fix this; alright, fixed that, and then it's always something else. I don't know if the City has something against addicts and alcoholics; I hope they don't. I know if I didn't move in there, I'd probably die. I came from Worcester, and I hope I can tell them what I know and help them; I'm usually the night shift person. Christian is the morning person, and I'm usually always up. We have cameras; it's not monitored, and if something happens, we will look at them. If they need to get detox, they choose detox the majority of the time, if they would have to leave on their own.

CT - During the time that you've been the manager at this property, how many people have had to leave due to recurrence?

GP – 10 to 15, that's within almost 7-years.

CT - Do you also manage the rental payments?

GP – Sometimes, a lot of them will go directly to Jeff through Venmo or PayPal. I do. I keep records of all that; that's every week or month because some guys pay weekly, some guys pay monthly.

CT - Have you had to ask somebody to leave because they did not pay the rent?

GP - Not once, which is shocking, but no one's ever been kicked out because of rent. They go to meetings trying to stay clean and do a chore; they go above and beyond to do more than they should. And the only problem is maybe you can't find a job because of the record. A lot of them have criminal records, making it hard to find a job. A lot of them are behind with child support, too.

CT – Do they continue to try to make payments, like partial payments?



GP – Yeah, I had a guy who gave me like ten bucks once because that's all he could do. And that shows that you are trying; it's not that I can't do it, I can't do it. If they fall behind and they get a good job, they'll pay more than what they're supposed to

CT - The charges don't cover the food; they cover the rent, which includes utilities and things like

GP - Yeah, you get cable. All the channels, free Wi-Fi, and electricity are taken care of. The only bill you get is probably your cell phone, and a lot of the guys, not all of them, brought food stamps to accommodate themselves.

David Reely of 69 High Street; I feel why 12, not 24. If you were to put those people out, they would not be able to find a place. I wouldn't be able to find a place. I've been looking since I got there, they got three times the rent, and not because I don't like it. But I won't get a place on my own, and you can't. They want three times of what you earn, we were to place on the street primary probably, go up and a lot of people probably end up on the back. So that's part of the reason why Jeff doesn't want to put us out; it's not we could just easily find another apartment or someplace.

CT - So, what are the rates that you see on the new apartment?

DR - From \$950 to \$1050 for a small one-bedroom, and for someone I make a decent Social Security, it's about \$1200, and I wouldn't be able to swing that. Then paying the electric bill on top of it and food stamp, I would be starving by the last week and a half of a month.

CT - And that older gentleman who was here at the last meeting; he said it was about \$600 a month at 69 High Street. Is that what you pay?

DR – Yes

CT - How long have you been in recovery?

DR – I was five months clean when I got to the House.

CT - Have you ever had any issue with the property's condition?

DR – No

CT - Are you in one of the two-person bedrooms, or are you on the third floor?

DR - I'm on the third floor on, the one-bedroom on the third floor.

JS – I want to add that my House at 33 Garnet Street was ordered to shut down by the court because of not having sprinklers. This is why I was so happy to get this house with sprinklers. I say that because David was one of the gentlemen displaced from Garnet Street. And they had a half-hour to leave; they had no idea. Then they were put in a hotel, I just happened to have one bed, and I couldn't take all. I was able to take Dave. I would love for you to speak about that experience and what happened to some of the other guys that would displace

DR - We couldn't keep some other guys, and some got to relax at the hotel not having supervision. There was a microwave, no refrigerator, and we all didn't know what was going to happen after that.

MM – So, whose fault do you think that was?

DR – We didn't have sprinklers at the House

JS – Whose fault do you think that was?

MM – Property owner

CT - I would say to you that by the time you were, and everyone else was removed from 33 Garnet, that property had been in court for months, if not years. So I think at that point, the constant issue was working sprinklers. So, at any moment Mr. Summers could have prevented the result by installing sprinklers. But I do certainly have compassion for being suddenly displaced like that; it must have been very upsetting for everybody.

Dan Russell of 69 High Street, I was there for a while. I moved out, and I've been back for about a month. I want to say that programs like these are very few opportunities to help addicts with compassion, help, and the accommodations. These things keep everybody together and help you make things work, keep each other clean, and hold each other accountable. Help each other, and without that, we lose lives, not just people being displaced but lives. Jeff is doing is helped a lot of people; whether anybody realizes that or not, he saved lives, which is important, and it's crucial to a lot of people surviving. For people, being displaced would take all the year round and take away a lot of hope, and when people are trying so hard, they don't think this is fair. What all that being said, I hope that this can be resolved.

CT - Have you ever had an issue either with your room or the property or another resident, which you've had to seek help to resolve?

DR - I've had no issues at all; the property itself is never anything that needs repair. Jeff is right there and has people to fix things right away.

CT - Can you think of a time when something needed to be fixed and tell me about that?

DR - The sprinklers in Garnet Street that's a huge fix. Painting bathrooms, new sinks, changing the lock on the doors, keeping the grounds clean, the grass cut, the front of the building looks beautiful with the flowers he had planted there.

CT - Are you in one of the two-person rooms, or are you on the third floor?

DR - I am up on the third floor.

CT - Are you in the four-person open area or the two-person one?

DR - The fourth person one

CT - Can you describe what it's like living without any dividing walls and four people there?

DR - We are respectful to each other; we have the bathroom right there to change if you're going to change. We watch the same TV shows together; actually, it brings us closer together. We all go to meetings, we don't slam doors, and that's actually the therapeutic learning to live with different personalities. For example, I have a health problem, and nobody has made fun of me, nobody has put me down, no one even mentions it, and if I have a problem with this. All men help me with that, and that's a pretty remarkable experience, and it's not you can find everywhere.

CT - I think you have a Bureau that you can have storage in

DR - I have a bureau and a nightstand, and a closet space

CT - Are you able to use any bathroom in the House, or is it just the one on the third floor.

DR - We have our bathroom on the third floor, and we also have our own bathroom on the second floor

JS - But she is asking if you are on the first floor and need to use the first bathroom. Can you use the first-floor bathroom?

DR - Sure, bathroom first floor, but those are private bathroom

BG - How many bathrooms are in the House?

DR - Five

BG - Are they all full bathrooms?

DR - One only has a sink and toilet, and the rest are full

JS - I'd like to add quickly, and I know the third floor is an issue. One of the guys on the second floor asked to go upstairs because he wanted the camaraderie that Dan was talking about. He was feeling lonely in his room, oftentimes if the roommates worked and he requested it. It is not a request we hear all the time, so the guys don't feel confined or isolated, or it's a punishment room; they are happy there.

Nathan Harrington of 69 High Street, I am on the third floor. I just stepped out; I started last night. To give you a little back story, on March 14, 2020, I lost my only three family members to Covid. I am from the North Shore; I worked for my dad and lost them. I've lived with my marriage for twelve years, wife after moving with my dad. So, I lost everything and stayed sober, did a program in Westminster sober house. Even before I found this House, I found a rooming house, and it was not safe for someone like me.

There was a lot of activity outside the building. I've had the longest job I've ever had in my life. I am 46 years old; I was able to buy my own car. I have a 29-year-old son, and last night because of being at that House talked to that boy for the first time. He called me, and that's why I had to stay focused. I was an absentee father, his mother left us when I was seventeen, and I raised him busts and lost the baby, and became an absentee father. He hasn't talked to me for two years, and last night he called me. He's talking about going out with him tomorrow; it's directly related to the House. I don't even know if you realize this, but when I first came to the House a few months ago, I was off in the bedroom on the second floor, but there was somebody that I knew up on the third floor. He was like, a dude come on up here, we got a good thing going on here. It's not a lot of places available; trust me, I want to get my place. I tried to; it's unaffordable for a one-bedroom 2-bedroom because they want first, last, door locks, rug blocks, and pet; I don't even have a pet. When did you pay those fees, but they want so much money? So, then you have to go to these rooming houses. My dad was fortunate to die twelve years sober, and that's the legacy I want to leave behind for my children. The only way I can do that is by maintaining a safe place to stay.

BG – Unfortunately, I was unable to tour the residence, and I'm wondering if it wouldn't be too much and if I could get a tour?

JS – Yeah

JB – I don't have any questions, but I want to add something. Regarding four guys living and spending time all in the same room area, I spent 22-years in the army. I often served with a platoon or squad within a large open area, and it was a team-building fight thing. It's everybody pushing towards the same thing, so it's not that hard to imagine. I can imagine, maybe somebody who hasn't had that particular experience can't imagine it, absolutely as they describe. I think that happens quite a bit, and not only in our country but in every other country with every other military service. So it does happen, and it is a good feeling when you got a bunch of guys working for the same thing.

MM - No questions. Everybody has been so thorough.

CT - I'm going to note a few things; there is currently a court order in place to reduce occupancy to twelve. And you're not in compliance with that, but there is currently a court order to reduce occupancy to twelve.

JS – That court order is being appealed, but yes

CT - You currently have \$5800 outstanding in fines from the building department that are unpaid. And I'm not talking about any fines imposed through the court process. I'm talking about the fines that were issued, quite a few of them. So the total is \$5800, and that remains unpaid.

JS – I am not familiar with those, but I know he is fining me for the same bridge that he gave a clean bill of health two months earlier.

MM - What triggered the fact that it was safe, and then it wasn't safe? Something happened

JS – Well, it's impossible that something happened

MM - According to his statement at the last meeting, something happened, so what the building commissioner mentioned. Did it happen?

JS – Well, not the way he's mentioning it, so I'm going to say no to your question. My answer's no. However, I can tell you regarding that; I said it is physically, humanly, and scientifically impossible to have a bridge or a wooden structure that is 40-years old being fine and two months later is not fine. So, definitely what happened in you asked the question, I bought it. That's what happened, and it's a personal issue between the two of us.

CT - I'm just going to repeat my understanding of the incident: there was an emergency call. There was an emergency response, and there was an issue with that emergency response with the access. That's my understanding of why that came to the attention of the City as an issue. And I will tell you, and this is a personal comment, not a comment from my board. I don't care how it came to the attention of the City; if it's a safety issue, then it should be fixed. You and I have had a conversation about safety issues taking priority; from my point of view, people deserve safe, decent housing, and disability is not a reason to not provide it.

JS - I agree with that.

CT - I also think that your residents, whom I am glad to see here today, and I am glad to see are doing well. In the event of a dispute would have an issue defending themselves, and that's because they are in a position as persons who are recovering from substance abuse who find it difficult to reach out to authority, or pool together their resources. For instance, their ability to file a complaint in the housing court against you, should there be any conditions issues or any issues with the way you're running the property, is minimal. So, I do see it in the interests of the City, frankly, to make sure that these people are provided with decent, safe housing, and that is my goal as we go through this process. As I've said, there's \$5800 outstanding in fines. Is there a plan in place to pay those fines?

JS - I don't know that

CT - I am sure that we can provide you with copies of the citations forwarded to me, and you can certainly review them. And if you would like to provide a written response to my question later on.

JS - Which question.

CT - What is your plan to pay those fines?

JS - I want first to know what I owe; I don't think I owe it.

CT - So, you might send me a response that says I don't have a plan to pay them because I don't think I owe them. But I'd like your response to that question.

JS - Okay, we will move forward

CT - Finally, I'd make some comments to you on the condition of the building and the fence that I pointed out to you outside. When I look at that building, I certainly don't see that much money has gone into that building.

JS - You aren't looking hard enough

CT - I think I'm looking pretty hard, and when I see the kitchen in that state and when I see the stairs to the third floor, the exterior stairs. Some posts are cut off; those have not been replaced in years, and everything is run down. I think your residents deserve better than that. Is there any willingness to renovate the building?

JS - Yeah, if you want to know, I could tell you all the money I'm putting in, and that I have put in, and I will continue to put in. I'm not a cutting one person. I've been here 10-years, taking a beating from the City. It's almost like blood money, and here talking about another \$5800 that I didn't even know about. It's almost like, pay this so you can have that. Do you want the building fixed? Do you want me to pay unnecessary fines that should have never been levied? I've been taking a beating from this City, and I probably should have got out. I love these guys. Is this a business? Absolutely, it is a business, but I don't run it like a business, and as Gary testified. So many guys come with no money, so many leave with a huge balance, and so many can't pay. I've never kicked anyone out because of money, and I won't, especially if they do the right thing. But the way the City would like to make it and how they're treating me is that I'm stealing money from them or making money hand over fist, and that's not the case. It has zero to do with safety; it never has. It has to do with Jeff Summers; I know that. I know I'm fighting enough uphill battle, but there were seven other bids when I purchased this property. He gave it to me for two reasons; one was because of what I was going to do with it. And the second reason, and probably the most important.

Maybe stupid for me, I waived the inspection. Perhaps it would have caught that stairway or the bridge that Mark caught. The other thing was that I told them that they didn't have to clean; it took me three months to get all that clean. I've done stuff to the plumbing; I've torn down the deck and put up a new deck, to just wasting money because when

you say you have to get a registered engineer. Well, that's money. I shouldn't have needed a registered engineer, but it's just to make me spend money that costs me \$10,000 to get the architect that wrote that I could have 40-people. Would I instead put that money into the house? I could get the deck done and some other stuff with that. I'm not leaving, even though you guys keep beating me. I'm not leaving.

CT - Apart from the money it has been spent on things related to litigation, what would you ballpark has been put into actual construction on the House

JS - The stairs outside cost me \$5000 to tear down the old bridge and then build the new stairs. Both bathrooms like getting them tile that was \$2500. When the City Board of Health came in with a list of stuff, another \$5000, I had the third-floor wiring because they didn't have smoke detectors on the few rooms up there, which was a few more thousand. Finally, it cost me \$9000 to cut all those trees down.

MM - I appreciate you letting us know what all your burdens are, but it seems like the burdens are the City's fault and the Building Commissioner's fault, and the rules and regulation's fault. We're going to decide based on this input, but a lot of burden that it seems like you're pushing it towards the City. That is a result of being invested in a business and its costs.

JS - I know, but I don't agree with you, but I know what you mean.

CT - I think at our site visit, you had said to me that you had spent approximately \$100,000

JS - I said that I lost that in the last year, from Garnett Street being closed and then putting in a sprinkler system. So maybe you misunderstood, but I said from what I spent and what I lost together.

JB - You say there is \$5800 unpaid to the City; if that is the case, we cannot make a decision. All debts have to be cleared from the City before judgment can be made.

CT - That's why I am for a payment plan and asking for a response from you on the payments

JS - Is it contingent upon on that? Is that where we're at?

MM - We are not supposed to vote favorably or approve anything if there's any outstanding financial obligation.

JS - I don't think I owe it; I will absolutely appeal it. But is it contingent upon that?

JB - We can't make a decision if anything is owed to the City. I'm ready to make a decision right now, but I can't because the law states that if you owe the City anything.

JS - The law states that; can you make a contingency because I've been a piñata for the City.

CT - I'm going to say to you is, this is not a piñata. It is an outstanding item of \$5800, and it is not a \$50,000 fine. There is a reasonable way to take care of this issue, and I think that during the course of dealings with the City. You have been head-butting rather than looking for a way to resolve the problem.

JS - I've been trying to resolve it.

CT - This is a reasonable problem; it is \$5800, so look at a payment plan or look at a way to pay

JS - How about this, if you say to me that you're going to approve this. I'll pay it right now, tonight. Because if you don't approve it, I'm not paying it, but if you tell me you're going to approve it; I'll pay it

CT - So, again, the response will be that you're willing to pay the \$5800

JS - Well, I'm not willing because I don't think I owe it, but it's a contingency. If you're telling me you're going to approve this, I'll pay it tonight.

CT - So, there are other reasons I'm not ready to come to a decision tonight because we've had a lot of information given to us. And we have Mr. Gallagher who wants to do a site visit. He wants to do a site visit, and I think that's

reasonable. I will take it back and see whether there can be a special permit issued conditional upon the payment of the outstanding sums; I will take a look at that and see if that's something the board can do  
JS - Who's the decision-maker on that?

CT - The four voting members of the board who are here before you

CT - July 12 is the next available meeting, so that we will schedule you for that meeting. Mr. Gallagher will be in touch through Mercedes to schedule a site visit.

JS - I don't understand. Did you just find out about this alleged fine today?

CT - Yes, and I don't want to do what we do with the other applicants and come to a decision based on what it is. Which is an outstanding fine. I would like to allow the other items to be given to us by submission.

JS - What items?

CT - Copy of the house rules, responding to my question on the \$5800 outstanding fines. I asked about the lodging house license.

JS - They made up this license for me; they changed it. There are three different lodging houses, and it says that they have to pick my house manager, which is ridiculous. And they have to go over his criminal record, and there's no such thing as a guy in a sober house that doesn't have a criminal record. So, they put that as a stipulation that the City can decide who my house manager is, based on their record.

CT - I can't answer your question, and this board doesn't issue the lodging house license.

JS - But you want me to get one

CT - I don't think I said that. I said that was one of the special permit criteria. You can't get a lodging house license until you have the special permit to operate a lodging house.

JS - That's funny because the court fined me for not having a lodging house license that I can't even get

CT - I'm going close the hearing except for your written submissions, which means that the next meeting is going to be a decision meeting only. You are, of course, welcome to attend and bring anybody else that you would like; it is a public meeting. So, if you have anything else to add or submit in support of your petition, please do it in writing to the board so that we have it in advance of that meeting.

MM - Motion on ZBA-2022-17 under §181.94 & §181.77 to **Grant the Continuance on the Special Permit to July 12, 2022**

JB - Motion Seconded

Vote 4 - 0 to **Grant the Continuance on the Special Permit**

**ZBA-2021-36**

**Jose Collazo**

**12 LUNENBURG ST**

**8:00PM**

**Continuance:**

*Special Permit under §181.94 of the Fitchburg Zoning Code to operate an Auto Detailing and Car Wash pursuant to §181.313D13 located in the Downtown Business District Map 56 Block 11 Lot 0*

CT - I will note the petitioner is not present; no one else is present in the virtual or in-person audience. So, nobody is seeking comment. However, this matter's being withdrawn; we received a note from the petitioner stating: I would like to indicate that the detailing business is going to be eliminated, and I will continue as an accessories and products store; only.

MM - I was there yesterday, last night, and there was a vehicle being washed in one bay and auto body work being done in the right bay. So, maybe the building department could visit that location because they're doing things there. I

don't know to what extent, but one guy was doing a car wash, and somebody else was running the sander and doing bodywork.

BG - Agree, it's not consistent

CT - We can deny it or give it leave to withdraw. I think the enforcement issue on inappropriate activity is outside our view because they don't have a special permit.

MM - I guess it's more appropriate to give leave to withdraw in case another applicant had a similar request, and it's within two years.

CT - I would agree. I think the issue there is the connection to the water and sewer being appropriate, and if somebody can manage to accomplish that would be a reason to reconsider that issue.

MM - Motion ZBA-2021-36 under §181.94 to **Leave to Withdrawal** per petitioner's request

JB - Motion Seconded

Vote 4 - 0 to **Leave to Withdrawal** per petitioner's request

### 1. MISCELLANEOUS

CT - Our last issue, looking at starting scheduling for next year. Is there a consensus that we're going to stay at our current time and day, or is there any desire to move days from anyone?

MM - Is our Tuesday evenings at 6:00 o'clock, still the optimal time

BG - Works good for me as well

### 2. ADJOURNMENT

MM - Motion to adjourn 10:45 PM

All in favor